

REMARKS

First note why next office action cannot be a final office action

While claim 21 has been indicated as being rejected in the office action summary, in the detailed action portion of the office action, claim 21 is not recited as being rejected in any way, either under 35 USC 102 or under 35 USC 103. Therefore, because Applicant has not had an opportunity to seasonably review and respond to a detailed rejection of claim 21 in the context of the present non-final office action, the next office action also has to be a non-final office action. For instance, if the next office action were instead a final action, then Applicant will have never had an opportunity to seasonably review and respond to the rejection of claim 21 as to the new prior art recited in the present non-final office action.

Second note why next office action cannot be a final office action

Applicant notes that independent claim 1 has not been amended in the traversal of the rejection thereof. Therefore, if the Examiner finds new prior art on which basis to reject claim 1, then the next action has to be a non-final office action, and cannot be a final office action. In this respect, Applicant notes that MPEP sec. 706.07(a) states that “a second or any subsequent action on the merits in any application . . . *will not be made final* if it includes a rejection, *on newly cited art, . . . of any claim not amended by applicant . . . in spite of the fact that other claims may have been amended to require newly cited art.*”

Claim rejections under 35 USC 102

Claims 1-4, 6-7, 9-11, 14, 16-18, and 22 have been rejected under 35 USC 102(b) as being anticipated by Schoenzeit (5,619,624). Claims 1, 10, and 17 are independent claims, from which the remaining claims rejected on this basis ultimately depend. Applicant respectfully submits that claim 1 as originally presented, and claims 10 and 17 at least as currently amended,

are patentable over Schoenzeit, such that the remaining claims rejected on this basis are patentable at least because they depend from patentable base independent claims.

Insofar as the rejection over Schoenzeit is concerned, Applicant discusses claim 1 as representative of all the independent claims, because the other independent claims 10 and 17 have been amended to at least substantially recite the limitation of claim 1 that Applicant submits is not found in Schoenzeit. In particular, claim 1 is limited to “requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processor preference.” Applicant respectfully submits that this limitation is not found in Schoenzeit.

On page 3 of the most recent office action, the Examiner has indicated that column 6, lines 14-28 of Schoenzeit disclose this limitation of claim 1. This portion of Schoenzeit reads as follows:

If there is a mismatch between the file and the output device required to generate images from the file, then the "pending" status will be invoked to enable a user to modify the output device as necessary (e.g., change a camera module) before processing is resumed.

In accordance with an important feature of the present invention, each of the output device control modules 40 is provided with a selection function 50a, 50b, or 50c to control and manage the transfer of image data from the associated RIP queue 46 to the associated RIP 54 for rasterizing. To achieve this, the selectors 50 each receive input parameters, represented by dashed lines 48 and 52, from the graphic image files stored in RIP queues 46 and from the output queues 56 and output devices 58, respectively.

Therefore, this portion of Schoenzeit says two things. First, if there is a mismatch, then the pending status is invoked to enable a user to perform modifications. Second, RIPing is performed in apparent accordance with input parameters.

Note, however, that these aspects of Schoenzeit do not disclose or teach the limitation “requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processor preference.” Even presuming the “mismatch” discussed in Schoenzeit is comparable to the RIPing parameter

not being congruent to a RIP manager supplied processor preference as in the invention, Schoenzeit does not request that the RIP engine perform dynamic configuration of at least one RIPing parameter in response to this mismatch/incongruency. Rather, Schoenzeit says that the pending status is invoked so that the user can perform modifications. By comparison, the claimed invention is limited to the RIP engine – not the user – being requested to perform dynamic configuration in such situations. That Schoenzeit also discloses RIPing is performed in accordance with input parameters does not change the fact that Schoenzeit does not disclose a RIP engine performing dynamic configuration in response to such a mismatch or incongruency.

For this reason, Schoenzeit does not anticipate the claimed invention.

Claim rejections under 35 USC 103

Claims 8, 12-13, and 15 have been rejected under 35 USC 103(a) as being unpatentable over Schoenzeit in view of Berry (6,707,563). Claims 5 and 19-20 have been rejected under 35 USC 103(a) as being unpatentable over Schoenzeit in view of Eisele (2002/0109869). Claims 5, 8, 12-13, 15, and 19-20 are dependent claims, depending from the independent claims discussed above. Therefore, claims 5, 8, 12-13, 15, and 19-20 are patentable at least because they depend from patentable base independent claims, as discussed above.

Conclusion

Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



Michael A. Dryja, Reg. No. 39,662  
Attorney/Agent for Applicant(s)

Law Offices of Michael Dryja  
1474 N Cooper Rd #105-248  
Gilbert, AZ 85233  
tel: 425-427-5094  
fax: 425-563-2098